

Respondent:

Jamark Enterprises, Inc.
d.b.a Naturalawn of America
40 Germay Drive
Wilmington, DE 19804

Violation:

§1224(a)(1) Making a pesticide recommendation or use or application inconsistent with the labeling, the E.P.A., or state registration for the pesticide, or in the violation of the E.P.A. or state restrictions of the use of that pesticide.

Penalty:

Respondent signed a consent agreement dated January 14, 2013 with disciplinary sanctions that imposed a civil penalty of \$1,120.00 for violating §1224(a)(1).

Summary:

On July 24, 2012, the Department was contacted by a complainant, an ex-employee of Respondent. The individual provided a tip that Respondent was not properly disposing of excess pesticides. The tip alleged that technicians would dump partial mixed tanks of herbicides and insecticides onto the gravel yard in the rear of Respondent's building.

On July 25, 2012, a DDA inspector conducted a follow-up inspection at Respondent's business location. The inspector collected two soil samples from the rear gravel yard for testing. The inspector photographed the yard, the backflow prevention faucet, the areas sampled, the equipment washing area, white granules on the gravel yard, and vegetation bordering the yard. Respondent gave the inspector product labels for Dimension 0.01% Plus Fertilizer, Fertilizer Contains TEAM Pro 15-0-3, PowerZone Broadleaf Herbicide for Turf, and Horsepower Selective Herbicide. The samples were analyzed and found to contain the active ingredients benefin, trifluralin, and bifenthrin. Benefin and trifluralin active ingredients and components of Team herbicide. Bifenthrin is the active ingredient in Talstar Insecticide.

Respondent was cited for violating §1224(a)(1) by disposing of pesticides inconsistent with the label direction.